

REMARKS

The present application was filed on February 19, 2004 with claims 1-24. Claims 1-24 were previously canceled in a Preliminary Amendment filed on March 10, 2008 and new claims 25-27 have been added.

In the outstanding Office Action dated May 8, 2008, the Examiner: (i) requested that Figure 1 be labeled as “Prior Art”; (ii) rejected claims 25-27 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement; and (iii) rejected claims 25-27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,110,955 to Barhnart et al. (hereinafter “Barhnart”).

With regard to the Examiner’s request to label Figure 1 as “Prior Art,” Applicants respectfully submit a “Replacement Sheet” of Figure 1 with a “Prior Art” designation. For at least these reasons, Applicants believe that the drawings are in compliance with the MPEP.

Next, in this response, Applicants have canceled claims 26 and 27. While Applicants believe that the claims as filed are allowable, Applicants have nonetheless canceled the non-allowed claims without prejudice. Applicants are not conceding in this application that those canceled claims are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

With regard to the §112 rejection of claims 25-27, Applicants assert that claim 25 does not contain new matter. Applicants submit that the limitations directed to a recollected location and time information and automatically reconciling errors between the recollected location and time information and the context data are supported in the specification.

First, claim 25 recited, wherein the user entry comprises a recollected location and a time associated with the performance of the medical-based expense. In one illustrative embodiment, user entries may represent events of interest. See Specification, page 14, lines 3-5. Further, events of interest may comprise location and time information as illustrated in the specification at, for example, page 6, lines 23-27 (emphasis added):

In accordance with principles of the invention, events of interest are defined as associated with context (e.g., location), or a composition of contexts (e.g., physician proximity to a patient in a patient room, medication cart proximity to a patient). The context collected may also include time on task (the amount of time spent in a patient room or the amount of time spent writing up notes about the visit).

Therefore, a user entry may comprise a location and time associated with the performance of a medical-based expense.

Further, claim 25 recited, automatically reconciling any errors between the recollected location and time information entered by the physician, the nurse, or the medical administrator (e.g., user entry) and the context data previously automatically collected in the form of accurate location and time information. The reconciliation of user entries and context data is support in the specification at, for example, page 6, lines 13-19 (emphasis added):

In accordance with principles of the invention, it is realized that with context middleware, and sources of context such as location, it is possible to complement user entries with context-based knowledge in order to improve the quality of those entries. Principles of the present invention use context middleware to enable easy recording of context streams, and later reconciliation of, and validation with, user entries. This may result in an indication of support of the user entry, may indicate possible errors in user entries, or may point out the absence of a user entry where one may be desirable.

In light of the above, Applicants respectfully submit that the limitations of claim 25 are supported by the specification. Nonetheless, Applicants respectfully amend claim 25, without prejudice, and solely to clarify the claimed subject matter. Applicants have replaced the term --recollected-- with “inputted.” Applicants note that the term “inputted” is supported in the specification and is consistent with the term “user entry”; where a user enters or inputs location and time information. See Specification, page 9, line 25, to page 10, line 5. Further, the term “inputted” distinguishes the location and time information entered by a user and the location and time information automatically collected by the computer system (e.g., context data in the form of location and time information). For at least these reasons, Applicants respectfully request withdrawal of the §112, first paragraph,

rejection.

With regard to the §103(a) rejection of claims 25-27, Applicants respectfully amend independent claim 25, without prejudice, and solely to clarify the claimed subject matter. Applicants note that the subject matter of claims 26 and 27 have been incorporated into claim 25 and claims 26 and 27 have been canceled. In light of these amendments, Applicants submit that Barhnart fails to render claim 25 unpatentable.

Applicants note that a proper case of obviousness has not been presented if the references, when combined, do not teach or suggest all the claimed limitations. Furthermore, the claimed subject matter is not obvious if there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references or to modify the referenced teachings. An analysis supporting a rejection under 35 U.S.C. §103 should be explicit and should not be based on mere conclusory statements. See KSR v. Teleflex, 127 S.Ct. 1727, 1741, 82 U.S.P.Q.2d 1385, 1396 (U.S., April 30, 2007), quoting In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”).

Applicants respectfully submit that Barhnart fails to teach each and every limitation of recited claim 25. First, Applicants have amended claim 25 to recite the subject matter of claim 26. Claim 25 now recites, further wherein the location and time information comprises a location, a time at location, a proximity to a location, a proximity to a person, a proximity to a device, a proximity to a person satisfying a condition, a proximity to a location during a specified time interval, an application invocation, a duration of an application invocation, a duration of an application focus on a particular subject, an application invocation during a specified time interval, a user input, a duration of a user input session, a proximity to multiple persons and a location, a calendar, a work assignment, and a workflow stage. Applicants note that this amendment is supported in the specification at, for example, page 12, lines 13-21 (“specified context may include . . .”); the claimed context data in the form of location and time information may, in a general sense, comprise specified context. Applicants further note that the term “at least one of” found in canceled claim 26 has been

removed. Applicants submit that Barhnart fails to specifically teach location and time information that comprises each and every limitation listed above.

Next, Applicants have amended claim 25 to recite the subject matter of claim 27. Claim 25 now recites, further wherein context data is capable of being automatically collected through a computer program, a file transfer, a batch mode, a communications network, a communications-enabled device, and a polling mechanism. Applicants note that this amendment is supported in the specification at, for example, page 13, lines 8-11. Applicants further note that the term “at least one of” found in canceled claim 27 has been removed and submit that Barhnart fails to specifically teach context data that is capable of being automatically collected through each and every limitation listed above.

Further, in response to the Examiner’s argument on page 4, second full paragraph, of the Office Action, Applicants respectfully assert that Barhnart fails to teach automatically reconciling any errors. Barhnart teaches data synchronization which does not teach reconciling errors between inputted location and time information entered by the physician, the nurse, or the medical administrator and the context data previously automatically collected in the form of accurate location and time information. Nonetheless, Applicants have clarified the claimed subject matter of reconciling any errors. Applicants have amended claim 25 to recite that reconciling any errors comprises prompting the user to re-enter data, correcting one or more errors based on a policy, and alerting one or more entities that the user entry is faulty. Support for this amendment may be found in the specification at, for example, page 7, lines 3-8. For at least these reasons, Applicants submit that Barhnart fails to teach ‘reconciling’ as recited in claim 25.

In response to the Examiner’s argument on page 4, third full paragraph, of the Office Action, Applicants assert that Barhnart fails to teach context data as recited in claim 25. Nonetheless, Applicants have removed the term “at least one of” from the claim language. Claim 25 now recites, wherein context data is capable of being automatically collected by the computer system from a calendar, a global positioning system, user entry, a video, a sensor associated with a person, a sensor not associated with a person, and a proximity to a wireless access point. Applicants submit that Barhnart fails to specifically teach context data that is capable of being automatically collected by the

computer system from each and every limitation listed above.

Finally, in response to the Examiner's argument on page 4, fourth full paragraph, of the Office Action, Applicants assert that Barhnart fails to teach a computer system that maintains a mapping of physical location information to logical location information as recited in claim 25. Nonetheless, Applicants have replaced the word --or-- with "and." Claim 25 now recites, wherein the computer system maintains a mapping of physical location information collected as part of the context data in the form of specific coordinates to logical location information in the form of room numbers and room functions such that location information entered by the user is more easily reconciled by the computer system. Applicants respectfully assert that Barhnart fails to teach logical location information in the form of room numbers and room functions.

For at least these reasons, Applicants believe that Barhnart fails to render independent claim 25 unpatentable and respectfully request withdrawal of the §103 rejection.

In view of the above, Applicants believe that the application is in condition for allowance, and respectfully request withdrawal of the objection and §112 and §103(a) rejections.

Respectfully submitted,



James M Lee
Attorney for Applicant(s)
Reg. No. 61,588
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-4547

Date: August 8, 2008